

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00214-MR-DSC**

**PYOTR MIKHAIL RYCHENKO,**

**Plaintiff,**

**vs.**

**MELODY BOYD BURNETTE, et al.,**

**Defendants.**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER**

**THIS MATTER** is before the Court on the Defendants' Motion to Dismiss [Doc. 12] and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable David S. Cayer, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On January 12, 2017, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the motion to dismiss. [Doc. 16]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of

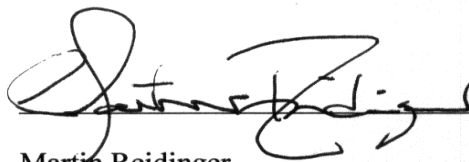
service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the motion to dismiss should be granted.

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 16] is **ACCEPTED**; the Motion to Dismiss [Doc. 12] is hereby **GRANTED**; and this action is hereby **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed: March 3, 2017

  
Martin Reidinger  
United States District Judge

